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November 19, 2010

VIA ECF

Magistrate Judge Steven M. Gold
United States District Court
Eastern District of New York
225 Cadman Plaza East
Chambers 1217, Courtroom 13-D
Brooklyn, New York 11201

Re: Xun Li, et al v. Health Plus Prepaid Health Services Plan, Inc.
Index No.: 10-CV-01843 (ILG-SMG)

Dear Magistrate Judge Gold:

We represent Defendant in the above-referenced matter. Pursuant to the Court's Order, dated November 9, 2010, we write on behalf of Defendant and Plaintiffs to inform the Court of the parties' case management plan. As previously discussed with the Court, the parties have agreed to seek to mediate the claims of Plaintiff Li and similarly situated Medicaid Marketing representatives who opt in, and jointly will select the services of an appropriate mediator. In furtherance of such mediation, the parties propose the following:

1. The parties will negotiate a notice to send to HealthPlus Medicaid Marketing Representatives pursuant to Section 216(b) of the Fair Labor Standards Act ("216(b) Notice"). The parties will attempt to agree upon a 216(b) Notice, including the term of the Notice period, and present it to Magistrate Judge Gold for approval, on or before December 10, 2010. If the parties cannot reach agreement on all of the terms of the notice, they shall submit their dispute to Magistrate Judge Gold to resolve.

2. Within 10 days of the Court's approval of the 216(b) Notice, HealthPlus shall supply a claims administrator "(to be selected by the parties)" with a list of the names, addresses, telephone numbers, and social security numbers of all potential opt in plaintiffs.

3. During the opt-in period the parties will commence discovery. The parties will conduct discovery and depositions, as agreed to by the parties.

4. The parties will attempt to schedule a mediation within 45 days after the end of the opt-in period and will attend a mediation session as scheduled.



Magistrate Judge Steven M. Gold
United States District Court
Page 2

5. If mediation is unsuccessful, the parties will propose a schedule for the continuation of discovery and motion practice.

Respectfully submitted,

JACKSON LEWIS LLP

A handwritten signature in black ink, appearing to read "Wendy J. Mellk". The signature is fluid and cursive, written over the printed name.

Wendy J. Mellk

cc: Noel P. Tripp, Esq. (internal)
Rachel Bien, Esq. (via ECF)